

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

IN RE: BDC GROUP, INC., Debtor.	Case No. 23-00484 MOTION TO RECOGNIZE LIEN
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Keystone Savings Bank (“Bank”) moves the Court to enter an order declaring and recognizing the Bank’s security interests and lien in Chapter 5 avoidance actions, and in support states:

1. Debtor BDC Group, Inc. executed multiple pre-petition security agreements pledging substantially of its property to secure debt owed to the Bank. These security agreements secured debts that originated with the Bank and that the Bank acquired from one of the Debtor’s prior lenders, F&M Bank.

2. The security interests conveyed by the Debtor were properly perfected by filing UCC financing statements with the Iowa Secretary of State.

3. The “all assets” collateral scope is more particularly described in the security agreements, which scope is not in dispute.

4. The Eighth Circuit has recognized a debtor’s pre-petition property interests in Chapter 5 avoidance actions. *In re Simply Essentials, LLC*, 78 F.4th 1006 (8th Cir. 2023). This property is included within the collateral description stated in the Debtor’s security agreements and related UCC filings.

5. The Official Committee of Unsecured Creditors has disputed and objected to the Bank’s assertion of a security interest and lien in Chapter 5 avoidance actions. Therefore, the Court’s intervention and ruling is needed on this issue.

6. Because the facts supporting the Bank’s position are not genuinely disputed, it

also files a motion for summary judgment contemporaneously herewith.

WHEREFORE, Keystone Savings Bank respectfully requests that the Court enter an Order declaring and recognizing the Bank's security interests and lien in all Chapter 5 avoidance actions, and for such further relief in the Bank's favor as may be just given the circumstances.

Dated: November 8, 2023

Respectfully Submitted,

SIMMONS PERRINE MOYER BERGMAN PLC

/s/ Abram V. Carls

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ATTORNEYS FOR KEYSTONE SAVINGS BANK

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 8, 2023, a copy of the foregoing document was filed with the Clerk of Court for the United States Bankruptcy Court for the Northern District of Iowa using the CM/ECF system, and served electronically on those participants that receive service through the CM/ECF System.

/s/ Abram V. Carls